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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,614	04/02/2001	L. Scott Rich	RSW9-2001-0073-US1	1069

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Theodore Naccarella
Synnestvedt & Lechner
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER	
AVELLINO, JOSEPH E	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,614	RICH ET AL.	
	Examiner	Art Unit	
	Joseph E. Avellino	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are presented for examination with claims 1, 5, 6, and 12 independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9, and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art as defined by the Specification Background pages 1-7 and Figure 1 (hereinafter AAPA) in view of Milleker et al. (USPN 6,543,042) (hereinafter Milleker) in view of Murray (USPN 5,944,781).

3. Referring to claim 1, AAPA discloses a method for exchanging objects between two computing entities in an OOP environment using a transport mechanism in which said data units are contained in files, each file defining a resource, each resource designed to contain a plurality of particular ones of said objects, said method comprising the steps of:

providing a resource factory for building resources, said factory including a plurality of software modules for building resources from a data source, each said software module designed to build a resource of a particular type (p. 7, lines 1-5);

responsive to a request for an object from a first computing entity, selecting a software module for building a resource of the type to which said requested object corresponds (p 7, lines 1-10);

building a resource for containing the requested object using said selected software module, said resource populated with information defining said resource (p.7, lines 10-15);

inserting said requested object into said resource (p. 7, lines 1-15);

transmitting said resource to said first computing entity using said transport mechanism (Figure 1, ref. 107); and

providing said requested object to the first computing entity (Figure 1, ref. 109).

AAPA does not specifically disclose building a resource for containing the request object but not containing said requested object. In analogous art, Murray discloses another method for exchanging objects between two computing entities which discloses receiving a request for an object (i.e. GET) (Figure 4, ref. 322-328), building a resource for containing said object but not containing said object (i.e. as seen in col. 6, lines 25-44, an object of type FileOutputStream is instantiated, however its contents are *null*, once ObjectOutputStream s is instantiated, there is something within the FileOutputStream object, however it is initially created with nothing within it), inserting the object into said resource (i.e. "write to output stream") (figure 4, ref. 324), and providing the object to the first computing entity (i.e. read from input stream and deserialize the object) (Figure 4, ref. 326-328; col. 5, lines 40-55). It would have been obvious to one of ordinary skill in the art to combine the teaching of Murray with AAPA

in order to provide a more efficient method of transferring objects to a particular client, since the implementation of Murray can be used with any data item that can be saved remotely (col. 5, lines 50-52). This would benefit the use of AAPA in order to allow an object to be written to an object stream and returned to a client in a serialized manner.

4. Claim 2 is rejected for similar reasons as stated above.

5. Referring to claim 3, AAPA discloses providing a reflection adapter factory for populating objects within resources, said factory adapted to provide software modules for populating objects, each said software module designed for an environment corresponding to a requested object (p. 7, lines 1-9); and

responsive to a request for a property of said object, selecting a one of said reflection adapters for the environment of the particular requested property (p. 7, ¶ 1-9); and

providing said first computing unit said requested property (p. 7, lines 10-20).

AAPA does not specifically state populating said object with said requested property. In analogous art, Milleker discloses populating the new object with each member variable of the cached object (col. 5, lines 40-50). It would have been obvious to one of ordinary skill in the art to combine the teaching of AAPA with Milleker in order to allow efficient retrieval of data from one system to another and into a form usable by another system as supported by Milleker (col. 1, lines 35-45).

6. Referring to claim 4, AAPA in view of Milleker further discloses populating said object with all properties of said object that can be reflected (i.e. populates the object with data) (Milleker, col. 5, lines 40-50). It would have been obvious to one of ordinary skill in the art to combine the teaching of AAPA with Milleker in order to allow efficient retrieval of data from one system to another and into a form usable by another system as supported by Milleker (col. 1, lines 35-45).

7. Claims 5 and 6 are rejected for similar reasons as stated above.

8. Referring to claim 7, AAPA discloses said transport mechanism comprises XML and said files comprise XML documents (p. 7, lines 15-20).

9. Referring to claim 8, AAPA discloses said objects comprise Java objects (p. 3, line 18 to p. 4, line 8).

10. Referring to claim 9, AAPA discloses said files comprise XMI documents (p. 6, lines 9-16).

11. Referring to claim 11, AAPA discloses said information defining said resource comprises at least a package object of said resource (any object which is incorporated into a resource inherently helps define the resource) (p. 3, line 18 to p. 4, line 8)

12. Referring to claim 13, AAPA discloses said data source for building is a live system (i.e. a properly working computer system) (p. 6, lines 3-7).

13. Referring to claim 14, AAPA discloses said data source for building comprises a database (i.e. a database is just a collection of entities) (p. 6, lines 8-16).

14. Referring to claim 15, AAPA discloses said data source for building said resources comprises a document in a format other than a format of said transport mechanism (i.e. Java constructs embedded in XMI documents) (p. 7, lines 15-20).

Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Milleker in view of Murray in view of Francis et al. (USPN 6,665,861) (hereinafter Francis).

15. Referring to claim 10, AAPA in view of Milleker discloses the invention substantively as described in claim 9. AAPA in view of Milleker does not specifically disclose using the MOF of the OMG specification to read an XMI document. In analogous art, Francis discloses using the MOF of the OMG specification to read an XMI document (col. 7, lines 11-22). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Francis with AAPA and Milleker since Milleker discloses returning the cloned data through the network 101 to the server (col. 5, lines 50-55), however does not disclose as to the

specifics of the format of the transport or how the document is packaged for transport, rather that it is an XML message. This would lead one of ordinary skill in the art to find other techniques to transport data to a server, in which Francis does by using the Meta-Object Facility of the OMG specification.

Response to Arguments

16. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Again, it is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality (*i.e. subject matter reciting the features of Figure 2 and page 13, line 12 to page 14, line 8 of the specification, specifically what the resource is and the relationship Java packages play with regard to Java objects)* that allows for Applicant's invention to overcome the prior art used in the rejection, fails to

differentiate in detail how these features are unique. Thus, it is clear that Applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claim invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph E. Avellino, Examiner
September 3, 2006